

**REGULAR MEETING  
OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS  
WAS HELD THIS EVENING IN THE MUNICIPAL BUILDING**

**Monday, October 24, 2011**

Council President Louis Fontana called the meeting to order at 7:30 p.m. with the following members present: Mercedes Gonzalez, Darlene Post, Joseph Sisco and John Vantuno. Also present were Mayor Michael DeFrancisci, Township Attorney Joseph Trapanese, Township Engineer Dennis Lindsay, Municipal Clerk William Wilk, Township Administrator Henry Underhill and Township Grant Writer Joanne Bergin.

Absent: None.

Township Employees present: Police Chief John Dmuchowski, OEM Coordinator Alfred Batelli, Fire Chief Jack Sweezy, Fire Department President Michael Burke and Deputy Municipal Clerk Cynthia Meyer

Following the Salute to the Flag, the Statement of Public Notice was read.

**STATEMENT OF PUBLIC NOTICE:** Take notice that adequate notice of this meeting was provided in accordance with N.J.S.A. 10:4-8 and N.J.S.A. 10:4-10 as follows: A notice of the meeting was prominently posted on the bulleting board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on January 4, 2011; a copy of the notice was faxed to the North Jersey Herald and News and The Record on the same date; additionally, a copy of the notice was filed in the office of the Township Clerk on said date.

At this time, Council President FONTANA explained that Kathleen Caren of the Passaic County Planning Department would speak regarding the Open Space Referendum.

Kathleen Caren said she was supportive of the Open Space Referendum and thought it would benefit the Township if the residents voted for same.

**APPROVAL OF MINUTES**

It was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that the Minutes of the meeting of September 12, 2011, be approved.

Poll:           Ayes:           Gonzalez, Post, Sisco, Vantuno and President Fontana  
                  Nays:           None

The Council President declared the motion passed.

**REMARKS FROM CHAIR**

Council President FONTANA informed that they have the Senior Citizen Dinner Dance this past Friday. He said it was very well attended and commended Councilmember Gonzalez on all of her work with this. He reminded that there are two public comments during the Council meetings and that the public should not be talking once the public portion of the meeting has been closed. He advised those who wish to speak again to wait until the second portion. He also informed that there are some ordinance hearings on tonight's agenda, and asked everyone only to comment on those items during the public hearings for same.

**COUNCIL MEMBER REPORTS**

Councilmember SISCO commended Councilmember Gonzalez on her work with the Senior Citizen Dinner Dance. He apologized that he was late for that event, noting that he is a professor at MSU.

Councilmember GONZALEZ said it was a pleasure to serve the senior citizens; it was especially nice to have everyone working together. It was very enjoyable.

Councilmember POST referred to the open space comments and explained that Mrs. Bergin had given a presentation on this at the meeting for the Little Falls ABC. She said they also had the Morris Canal grand re-opening with Kathleen Caren of the Passaic County Planning Department present. She explained that the ABC did amazing work on this. She encouraged everyone to go visit. She attended the Harvest Moon Dinner Dance; she enjoyed the event and thanked Councilmember Gonzalez for the work she put into setting this up. She met with the Mayor at the Louis Street park, but said he would report on this during his report.

Councilmember VANTUNO informed that he and Council President Fontana met with the Board of Education K-8 to ask them to come to the next workshop meeting on 11/21/11 to do a presentation about their budget and initiatives for the year. He said the Council would then give a presentation in return. He explained that he and Councilmember Post met with the Board of Education from the High School, who was also very open to the idea. They hope to make it to a meeting in March of 2012.

**MAYOR'S REPORT**

Mayor DeFrancisci said Councilmember Gonzalez did some nice work setting up the dinner dance for the seniors. He thanked Kathleen Caren for working with the town on open space. They hope this will be passed in Little Falls so they can get more grants for the town. On Friday, 10/21/11, Coca-cola and Shop Rite presented the Township and Passaic Valley High School with \$5,000 each to help cover some of the costs that were incurred as a result of Hurricane Irene. They want to donate this to Louis Street park, since it incurred a lot of damage. He was very thankful for these donations. He informed that Jack Shannon, Vice President of MSU, will speak this evening regarding a Memorandum of Understanding which will be signed this week. The agreement will address the Township's tax loss at Ward Trucking, since MSU purchased that piece of property this year. They have negotiated this issue over the last six months and he will announce the terms of the agreement at this time.

**ATTORNEY'S REPORT**

## Meeting of October 24, 2011

Mr. Trapanese had nothing to report.

Jack Shannon, Vice President of MSU, thanked the Council for the opportunity to be here this evening. He explained that the university acquired the former Ward Trucking property earlier this year. The property is roughly 15 acres of usable land and has been vacant for close to a decade. The university has a need for parking given the number of students. They will be using the parking lot on an interim basis to provide shuttle service. During this tough economic time, it will also allow the university to provide parking access to its students, faculty and staff at a lower rate. He assured that the university is not looking to utilize this site for any future residential use. They will be looking at a reuse of the existing structures on the site. As they undertook this transaction, they were very mindful of the fact that the property was generating \$294,000 in annual tax ratables for the town. While it would be within their rights to apply for and receive a tax exemption for the property, they felt they needed to work with the Township on this. He reminded that he appeared before the Council just over a year ago regarding an agreement for fire services. He also pointed out that the university provides free EMT services to the Township. He reviewed a solution with the Mayor for this agreement so that over the next 5 ½ years time, the Township will see a gradual reduction of the taxes being paid by the university on the Ward Trucking property. This way, it will not be an immediate hit to the Township's budget. They believe this is a fair solution and they will be happy to answer any questions. Council President FONTANA and Councilmember GONZALEZ both thanked Mr. Shannon for working with the Township on this. The Council thanked him for coming this evening.

### PUBLIC PORTION

It was moved by Councilmember Sisco, seconded by Councilmember Fontana, that the meeting be and it was opened to the public.

Poll:           Ayes:           Gonzalez, Post, Sisco, Vantuno and President Fontana  
                  Nays:           None

The Council President declared the motion passed.

Louis Fernandez, 54 Harrison Street, commented with regard to the Township Website, noting that he agrees with most of the things being posted. Regarding the Open Space Trust Fund, he explained that this is a tax. He voiced his dissatisfaction that this item was posted to the website only showing the positive things about it. He informed that this will be funded by the taxpayers and said it should be posted on the website with positive and negative effects to be fair. He explained that he is opposed to this tax, adding that it may only be a \$30 increase this year, but it will only increase over time. He said he would be in favor of this if he could be guaranteed that it would not increase; it would be beneficial for everyone if it was a set amount.

Arnold Korotkin, Long Hill Road, referred to the resolution on this evening's agenda to approve an agreement between MSU and the Township regarding tax payments for the Ward Trucking property. He thinks this is a positive thing. He pointed out that MSU currently reimburses the Township for fire services, noting that this was supposed to be renegotiated on an annual basis. However, he was informed by the Mayor last month that it wouldn't be renegotiated this year. Mr. Korotkin pointed out that cost is increasing everywhere and asked why this is not being renegotiated. He urged them to look into this.

Raymond Klepar, 8 Douglas Drive, pointed out that communications sometime become difficult during a public comment when a question is not answered properly. He asked the Council to check their emails and mailboxes and to respond to him so he can be sure that they are checking their mail.

Fire Chief Jack Sweezy, thanked the Mayor and Council for their support, as well as all of the residents who attended the 9/11 Ceremony that was held on 10/9/11.

Tammy Hearney, Eagle Rescue Squad, explained that she had submitted a request to hold a boot drive on 11/5/11 and 11/6/11 to the Mayor, Clerk, Fire Chief and Police Chief. However, it was not listed on this evening's agenda. She asked that they look into this matter. Mr. Wilk confirmed that this could be voted on this evening.

Alfred Batelli, OEM Coordinator, announced that on 11/9/11, there would be the first ever test of the National Broadcasting System. He informed that it would take place on all channels/stations at 2:00 p.m., adding that this is a nationwide test that will be coming from the Whitehouse; it will last approximately three minutes.

No one further having come forward to be heard, it was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the meeting be and it was closed to the public.

Poll:           Ayes:           Gonzalez, Post, Sisco, Vantuno and President Fontana  
                  Nays:           None

The Council President declared the motion passed.

Council President FONTANA referred to the open space referendum and explained that they posted this to the website in order to share with the residents why they thought it was a good thing to have. He didn't agree that it was inappropriate to do so. If the open space trust is approved, it cannot go higher than two cents per assessed value of the home, unless it went on the ballot a second time for another vote.

Mayor DeFrancisci referred to the agreement with MSU for fire services and explained that this is always open for renegotiation. He informed that the number they agreed upon this year was attained by the Fire Chief based on his reports. He said they would renegotiate in the future.

Council President FONTANA understood Mr. Klepar's comments regarding public portion, but pointed out that most towns don't include a second public comment at their meetings. He explained that the back and forth dialogue only causes chaos at the meetings. He also assured that he reads his mail.

President FONTANA said they will vote on the request for Eagle Rescue Squad to hold a boot drive this evening under 'Correspondence'.

## Meeting of October 24, 2011

### CONSENT AGENDA

All items on the Consent Agenda were considered to be routine and were enacted with a single motion. Any items under REQUISITIONS carried a Treasurer's certification as to sufficiency of funds.

#### REPORTS

##### Municipal Clerk's Dog/Cat License Report – Month of September 2011

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT  
Month of September 2011

Dog Licenses issued 09/01/11 thru 09/30/11	
Nos. 389 to 397 = 8 Licenses + 1 at no charge for lost license	
Amount due Little Falls	\$54.40
Amount due State	15.60
Total Cash Received	\$70.00

Total to Treas. \$70.00

#### APPLICATIONS

NJ State Firemen's Association – Michael N. Deluccia, Capalbo Avenue

#### RESOLUTIONS

##### Refill of Postage Meter

RESOLUTION [A] 11-10-24 - #1

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having certified to the availability of funds therefor that the Mayor, Clerk and Treasurer be and they are hereby authorized and directed to issue a check in the amount of:

\$9,000.00

payable to:

Reserve Account

representing the replenishing of postage account maintained for telephone refill of the postage meter.

\*\*\*\*\*

##### NJ State Dept. of Health – Dog License Fees

RESOLUTION [B] 11-10-24 - #2

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having certified to the availability of funds, that the Mayor, Clerk and Treasurer be and they are hereby authorized and directed to issue a check in the amount of:

\$15.60

payable to:

NJ State Dept. of Health

representing payment of State dog license fee, license Nos. 389 to 397 for the month of September 2011.

\*\*\*\*\*

##### Treasurer, State of NJ – 3<sup>rd</sup> Quarter Marriage License/Civil Union Fees

RESOLUTION [C] 11-10-24 - #3

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having certified to the availability of funds, that the Mayor, Clerk and Treasurer be and they are hereby authorized and directed to issue a check in the amount of:

\$375.00

payable to:

Treasurer, State of NJ

representing 3<sup>rd</sup> Quarter 2011 Marriage License/Civil Union Fees.

\*\*\*\*\*

##### Refund to Lien Holder for Redeemed Tax Certificate

RESOLUTION [D] 11-10-24 - #4

**WHEREAS**, the Tax Collector has received the lien monies in the amount of \$7,821.99 from Cristina Zicaro on the property known as Block 88.01 Lot 1 Qual. C205, assessed to Cristina Zicaro, of 220 Main Street, Unit 205, and

**WHEREAS**, these lien monies redeemed Certificate #2011-06 from my June 15, 2011 tax sale; and

**WHEREAS**, the lien holder paid a \$2,800.00 premium at this sale which is currently in our Treasurer's Trust Account; and

**WHEREAS**, the lien holder shall be reimbursed the amount of \$10,621.99; and

**WHEREAS**, the amount of \$10,621.99 shall be made payable to R. Rothman, 411 Grand Avenue, Englewood, NJ 07631; and

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 24th day of October 2011 that the above lien holder be reimbursed the total amount of \$10,621.99. This check shall be forwarded to the Tax Collector on October 24, 2011, as she must surrender the Tax Sale Certificate before he receives payment.

##### Return of Unused Escrow

RESOLUTION [E] 11-10-24 - #5

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having certified to the availability of funds, that the Mayor, Clerk and Treasurer be and they are hereby authorized and directed to issue a check in the amount of:

\$2,221.25

payable to:

C&R Partnership

c/o 701 Brickell Avenue, Suite 2050

Miami, FL 33131

representing payment for return of unused escrow rendered in connection with 1565 & 1585 Route 46 Ease, Little Falls, Block 200, Lots 1.02 & 1.03 Site Plan; and

BE IT FURTHER RESOLVED that the within payment be made from the escrow account on deposit with the Township for expenses incurred in connection with the within development project.

\*\*\*\*\*

##### Little Falls Public Library – 4<sup>th</sup> Quarter 2011 Funds

RESOLUTION [F] 11-10-24 - #6

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having certified to the availability of funds therefor that the Mayor, Clerk and Treasurer be and they are hereby authorized and directed to issue a check in the amount of:

\$158,473.25

**Meeting of October 24, 2011**

payable to:

Little Falls Public Library

representing payment of 4<sup>th</sup> quarter 2011 funds.

\*\*\*\*\*

**Stipulation of Settlement**

RESOLUTION [G] 11-10-24 - #7

WHEREAS, a Tax Appeal has previously been filed with regard to the below mentioned property before the Tax Court of New Jersey with regard to the 2009 & 2010 tax years; and

WHEREAS, a proposed Stipulation of Settlement has been negotiated by the Township Attorney with the attorney for the taxpayer; and

WHEREAS, the Tax Assessor, Richard Hamilton and the Township's expert appraiser Appraisal Systems, Inc. have recommended that the terms of the proposed settlement be accepted;

1. The proposed settlement of the 2009 & 2010 tax appeals pending before the Tax Court of New Jersey as hereinafter enumerated be and the same is hereby authorized, approved and ratified:

5-7 Fairfield Avenue

Block 66 Lot 15

	Original Assessment	County Board	Requested Tax Judgement		Court Judgment
2009 Land:	\$278,000		\$278,000	\$278,000	
Improvements:	\$392,700		\$392,700		
Total:	\$670,700	\$670,700	\$670,700		
	Original Assessment	County Board	Requested Tax Judgement		Court Judgment
2010 Land:	\$278,000		\$278,000	\$278,000	
Improvements:	\$392,700		\$309,000		
Total:	\$670,700	\$670,700	\$587,000		

2. There will be no prejudgment interest.

3. The Township Attorney and Tax Assessor are authorized and directed to execute Stipulations of Settlement and to take such other and further action as may be required to effectuate the above.

\*\*\*\*\*

**Riddick Associates, P.C.**

RESOLUTION [H] 11-10-24 - #8

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having certified to the availability of funds, that the Mayor, Clerk and Treasurer be and they are hereby authorized and directed to issue a check in the amount of:

\$131.25

payable to:

Riddick Associates, P.C.

representing payment for engineering services rendered in connection with Ciasulli/Lexus – Inspection and Administrative requirements in connection with approved site plan; and

BE IT FURTHER RESOLVED that the within payment be made from the escrow account on deposit with the Township for expenses incurred in connection with the within development project.

\*\*\*\*\*

**Endorsing Joanne Bergin's Efforts with NJ Planning Authority**

RESOLUTION [I] 11-10-24 - #9

WHEREAS, Joanne Bergin, the Little Falls Grant Administrator, delivered a Transit Village presentation at the Workshop Meeting of October 17, 2011; and,

WHEREAS, a designated Transit Village is a municipality that has been recommended for designation by the Interagency Transit Village Task Force as a municipality that has demonstrated a commitment to revitalizing and redeveloping an area around a transit facility into a compact, mixed-use neighborhood with a strong residential component.

WHEREAS, the area that makes up a Transit Village is a half-mile radius around the transit station.

WHEREAS, Transit Village designation provides a municipality with benefits including: State of New Jersey commitment to the municipality's vision for redevelopment; coordination among the state agencies that make up the Transit Village Task Force; priority funding and technical assistance from some state agencies; and eligibility for grants from the New Jersey Department of Transportation (NJDOT).

WHEREAS, Ms. Bergin stated the Transit Village concept has been discussed previously, but the cost to go through the Transit Village designation has held back implementation; and,

WHEREAS, the Township of Little Falls has been selected for a North Jersey Transportation Planning Authority Pilot Program which will provide many of the planning components required; and,

WHEREAS, the Passaic County Planning Department has also offered to provide assistance; and,

WHEREAS, Ms. Bergin believes these combined efforts will greatly reduce costs to pursue the designation,

NOW, THEREFORE, BE IT RESOLVED, the Township Council hereby endorses Joanne Bergin's efforts with the North Jersey Transportation Planning Authority, New Jersey Department of Transportation, New Jersey Transit and the Passaic County Planning Department and authorizes her to continue to work as a liaison between the different agencies involved in the pilot program with the goal of Little Falls receiving a Transit Village designation.

\*\*\*\*\*

It was moved by Councilmember Post, seconded by Councilmember Gonzalez, that the Consent Agenda be approved as printed.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana  
Nays: None

The Council President declared the motion passed.

**REGULAR AGENDA**

The following items were individually considered.

**CORRESPONDENCE**

LETTER FROM SINGAC FIRE COMPANY REQUESTING PERMISSION TO CONDUCT ITS ANNUAL COIN TOSS AT THE CORNER OF ROUTE 23 AND MAIN STREET ON FRIDAY, NOVEMBER 25<sup>TH</sup> AND SATURDAY, NOVEMBER 26<sup>TH</sup>, 2011, WITH RAIN DATES MONDAY, DECEMBER 5<sup>TH</sup> AND TUESDAY, DECEMBER 6<sup>TH</sup>, 2011.

## Meeting of October 24, 2011

LETTER FROM EAGLE RESCUE SQUAD TO CONDUCT A BOOT DRIVE ON NOVEMBER 5<sup>TH</sup> AND NOVEMBER 6<sup>TH</sup>, 2011

There was an affirmative consensus from the Council to approve these items.

### NEW BUSINESS

Ordinance No. 1135 – It was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the public hearing on Ordinance No. 1135, “**ESTABLISHMENT OF THE LITTLE FALLS FIRE DEPARTMENT EMERGENCY MEDICAL SERVICE**”, be and it was opened.

Poll:                   Ayes:                   Gonzalez, Post, Sisco, Vantuno and President Fontana  
                              Nays:                   None

The Council President declared the motion passed.

Raymond Klepar, 8 Douglas Drive, asked that the Council members put some investigative thought into all issues before voting on them. He is hoping that they will take more time to understand this issue.

Robert D. Ingram, President, Eagle Hose Company #1 Inc. Eagle Rescue Squad, read the following into the record at this time:

The membership of Eagle Hose Company #1 Incorporated/Eagle Rescue Squad would like to provide the following statement to express our objections to the proposed ordinance 1135 regarding a paid EMS service for the Township of Little Falls.

The membership does understand and agree that there are some issues that need to be evaluated and studied with regard to EMS coverage of the township during the day time hours. Squads all across the state are having issues with decreased manpower, increased call volume, and lack of available members to take day time calls, we are no exception. Increased demands, combined with limited availability of membership requires us occasionally to rely on our mutual aid agreements with other townships and services to ensure that an ambulance responds to calls for help in the Township of Little Falls. Over the past five years, the time frame for which the data is available, no resident or visitor to the township has gone without an ambulance when one has been called. This very fact alone is compelling evidence that the system we currently have in place works. That does not mean it cannot be improved upon.

There are a number of figures listed in the proposal, submitted on March 6, 2011, that we have outstanding and unanswered questions about. Among these are the following:

According to the figures submitted by the Chief, mutual aid was requested into the township 205 times during 2010. Our total call volume for that same time frame shows us responding to 1161 total EMS requests for service. That has us responding to and covering 82.4 percent of calls for service. Furthermore, there is no breakdown of those 205 mutual aid requests to explain if the request was for a second ambulance, when we were already on a call, a second or third ambulance to an auto accident with multiple patients, or if the mutual aid was requested because we were unable to respond due to a fire or other incident. There is no indication in the proposal for the number of times a mutual aid ambulance was required because our ambulance was covering another township such as Woodland Park, Clifton or Paterson.

We feel that the budget predictions for this proposal are not accurate, as there are several major line items that appear to be absent from the proposal. Costs such as continuing medical education, EMS recertification, and capital equipment expenditures do not seem to be adequately expressed and identified. While some of these training costs are currently covered by the State of NJ, employees of paid EMS services are not eligible to receive that funding, and these costs can be significant.

The estimate for reimbursement listed in the proposal shows a predicted return rate of 80% for 1000 calls, with a total bill of over \$800 dollars per charge. This estimate seems to be questionable, as there are a number of instances where the proposed service would not be able to recoup the entirety of that charge. The Medicaid and Medicare reimbursement rate for Northern NJ is significantly less than this \$800 amount. Additionally, Medicaid and Medicare will not pay for transportation to the hospital of patient's choice, but only transportation to the closest appropriate medical facility.

Our second objection to the proposed ordinance involves the "study and comparison" of the EMS service provided by Eagle Rescue Squad, to the systems listed in the proposal. Little Falls is a small township of approximately 2.8 square miles, with a population of 14,000. The Eagle Rescue Squad is part of an entirely volunteer fire department, consisting of only 140 members, regular and auxiliary, and has been for 107 years. The current proposal has our service being compared to the cities of Clifton, Passaic, and Paterson, as well as the townships of Parsippany and Paramus. All of these municipalities have larger geographic areas, larger populations, and larger tax bases. In addition, the cities of Clifton, Paterson, and Passaic are very different from us, in that their EMS systems are all run by career, paid, unionized fire departments. We would request that to conduct an accurate study and comparison, we should be compared to townships with similar populations, geographic areas, and makeups. Townships such as Woodland Park, Totowa, and Cedar Grove may more closely fit into that category.

It was stated at the June workshop, when this proposal was discussed, that the township would be unable to staff this new department entirely with residents of Little Falls. This means we would need to hire people from outside the township and area to staff this service. Personnel from Paterson and farther would be considered for paid positions. The membership would like to ask how it is acceptable to the township to hire people from out of the area for paid positions, when those same people are denied the ability to volunteer under the current system. Within the past year we have had two applicants, who are currently certified and experienced EMTs and Fire Fighters, apply to become members of Eagle Hose Company #1 Inc. These qualified people were denied due to their residency.

As a final point of opposition, we would like to call attention to the potential tax burden to the citizens of Little Falls. If the budget predictions listed in this proposal are inaccurate, or if the amount of revenue generated falls below expected levels, the costs for this system, as proposed, will fall to the tax payers in the township. This is a burden that we believe would be difficult for our neighbors in these current economic times. Currently, there is no additional cost to the township and only those individuals who receive a mutual aid ambulance, from a service that does bill their patients, will incur a cost for EMS service.

## Meeting of October 24, 2011

With those objections noted, we would also like to state that the Eagle Hose Company #1 also has a number of suggestions and proposals that we are currently evaluating to increase the service that we currently provide. We are in the process of adding additional required duty shift coverage to include daytime shifts on weekends. We are in the process of creating a protocol to allow a single EMT to respond, in a fully stocked first response vehicle, to begin providing care if a full ambulance crew is not available, while awaiting arrival of a mutual aid ambulance.

Finally, we are requesting that the process of application for membership be evaluated, as well as a reevaluation of residency requirements, to expand the area from which we can allow members to join. If residents from Paterson wish to volunteer to help the township, they should be allowed to do so. We already have in place a policy that requires members, who do not live in the township, to stay at the building during their duty shift, so as not to delay response to calls.

We sincerely hope that all suggestions made to improve the current service are evaluated, and all available options are explored prior to the township deciding upon a course of action.

Rosemary Bello-Truland, explained that the volunteers in town are very dedicated, noting that no calls have gone unanswered. She questioned why the Township is trying to create another cost. She voiced her opinion that the kind of care and dedication that is shown from their volunteers will not be the same with a part-time paid individual. She explained that volunteers in all towns are just as dedicated and would love to serve the residents of Little Falls.

Ken Lovell, explained that he is a physician and has been involved in emergency services for many years. He currently serves as a medical director for several agencies. As a result, Fire Chief Sweezy reached out to him to inquire about how similar issues are being addressed in other areas. He informed that a part-time paid service is limited in cost and is very flexible, noting that a certain number of these employees would come from the community. He voiced his opinion that when you contract through your local hospital, you are not always in control, as there is limited control over who is hired and the revenue.

Maria Rizzo, informed that her husband passed away on 7/2/11 due to a heart attack when the ambulance responded late. She said lives cannot afford to be lost. She further noted that the volunteers have very good intentions, but it unfortunately, has not been working. It took the ambulance 17 minutes to get to her husband. She asked them to take this into serious consideration and make the right decision.

Tammy Hearney, member of Eagle Rescue Squad, informed that in 2010, their average response time was 5.6 minutes to get to a call, in 2009 it was 6.5 minutes and in 2008 it was 6.5 years. This year their average time is approximately six minutes to respond. She explained that her next comments would be from her standpoint as a Township resident. She explained that her father had an emergency in the 1980's, and because of the volunteers in town, he is here today. It would be a shame to see this go away. The township is already struggling with taxes. She pointed out that it is also very important to consider that people would prefer to be comfortable with the volunteer/worker and know who they are.

Ronnie Cordero, Little Falls Fire Department, informed that he has been in emergency medical services for over 33 years. He explained that he is not against the paid services, but pointed out that MSU is also available to assist Little Falls. He hoped the Council would keep the employed EMT's in and work to get them certified and trained. He said they should try to keep it as a volunteer service, but if they decide otherwise, they should keep the current members.

Jason Presing, informed that he is a volunteer, a Police Officer and a resident, and explained that he's had to call an ambulance for care before. He further noted that it doesn't matter who shows up at your house, as long as you get the care. The most important thing to him is that there is a response time. Most recently he was on a call where someone didn't get there in time; it is obviously becoming a problem.

Michael Burke, Little Falls Fire Department President, informed that his father had an emergency 26 years ago, in which case, the ambulance didn't make it to him in time. He was very grateful to the Police Department, but his father didn't make it. He assured that he understands the work the volunteers put in, but said if you can get the professionals part-time, do it. If you don't do anything, you become part of the problem.

Rosemary Bello-Truland, 15 High Court, said her son is an EMT and an RN. She informed that some of the volunteers are LPNs and are just as professional as other EMTs. Just because you're paying somebody, doesn't mean they are going to be better at what they do.

Kenny Mah, Eagle Rescue Squad and EMT, explained that here are sometime issues with response times in Little Falls as well as in other towns. He works for Valley Hospital. He was recently called out for a mutual aid call and their response time was 20 minutes. If someone is not available because there is another emergency, regardless of what kind of service you have, you will still be calling around to find other people

No one further having come forward to be heard, it was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the public hearing on Ordinance No. 1135, be and it was closed.

Poll:           Ayes:           Gonzalez, Post, Sisco, Vantuno and President Fontana  
                  Nays:           None

The Council President declared the motion passed.

Fire Chief Sweezy, wished to respond to Mr. Ingram's comments at this time. He informed that the training fund is no longer covering any continuing education as of 2012.. He informed that he is still waiting on Minutes he had requested from Mr. Ingram regarding the interest they had in this program. He informed that the initial time in which they started this research was March of 2009; they did recruit and were unable to attain membership's availability pertaining to EMS. He said there is not one day that goes by in Little Falls that there is not a delay in getting an ambulance. Response time has been a well-known issue and he has told everyone that they need to find a solution. He further noted that he has always been open for dialogue on this issue. He first made a presentation based on a study and his findings, which was requested of him by the Mayor, at a Workshop Meeting held on 9/20/10. Upon researching the matter, they found that many other towns were looking into a paid service as well. He informed that there were many meeting with the members and their captains about this

## Meeting of October 24, 2011

issue, in addition to several discussions held at workshop meetings. He assured that this proposal is nothing against the members of Company One or the work they do.

Councilmember GONZALEZ said this issue has been ongoing since March of 2009, and asked why she read that he was going to hire people from outside towns, but he will not let the same people volunteer. Chief Sweezy said there is an ordinance that regulates this. Councilmember GONZALEZ suggested that the ordinance be changed to allow individuals from outside towns to volunteer. Chief Sweezy said the ordinance has excluded people from outside towns to be volunteers since before he took office. One of the reasons this is in place is for the safety of the people responding, so it is not dangerous for them. Councilmember GONZALEZ asked the Township of Verona how they have such a good department and they told her that they attend every town affair and post notices in the newspapers and on websites. She asked Pulse on Route 46; they have four rigs that cross Route 46. She asked if they would have the same situation with a paid service where there is no rig available because of another emergency. Chief Sweezy said at the present time they use St. Joe's Hospital as the response for a third emergency.

Councilmember SISCO asked the Fire Chief to explain the estimate, noting that it looks as though it is costing the town money. Chief Sweezy advised him to look at the weekly salaries. Mr. Underhill explained that third party billing is what it costs the Township to pay the salaries. Councilmember GONZALEZ asked Councilmember Vantuno if he did numbers for this. Councilmember VANTUNO explained up front costs would be three months; make the \$20,000, it would take the Township four to eight months to make up the initial cost.

Councilmember GONZALEZ pointed out that the town of Fair Lawn has had this paid service for over a year and is still waiting for a profit. She explained that profit is not the point and said Little Falls has not tried anything else to solve this problem in the meantime.

Councilmember SISCO asked if it would be a requirement for these paid workers to be Little Falls residents. Chief Sweezy said he would have to review the ordinance, but assured that they are looking to hire within the department. Councilmember GONZALEZ said the main issue is to improve response time, noting that nothing was ever done to remedy this. Chief Sweezy said he was open to suggestions and Councilmember GONZALEZ said this should have been acted on while waiting for suggestions. Chief Sweezy said it would be good to have this in place by 1/1/12 and then go back to amend it if it becomes a problem in the future. He explained that this has been an issue they have been trying to work on for the past four years.

Councilmember SISCO pointed out that Company #1 holds annual fund drives, which are allowable to volunteer companies. Since there will now be paid members in the company, he asked if this would affect their volunteer status. Mr. Trapanese said that the volunteer status would not be affected, noting that the volunteers would be the backup to the paid services during the day.

It was moved by Councilmember Vantuno, seconded by Council President Fontana, that the Ordinance No. 1135 be and it was adopted.

Poll: Ayes: Post, Vantuno and President Fontana  
Nays: Gonzalez and Sisco

The Council President declared the motion passed.

Ordinance No. 1139 – It was moved by Councilmember Vantuno, seconded by Councilmember Post, that the public hearing on Ordinance No. 1139, **“BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF TENNIS COURTS AT DUVA PARK IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$120,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$114,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”**, be and it was opened.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana  
Nays: None

The Council President declared the motion passed.

Mr. Lindsay informed that the Township made an application for an Open Space Grant. Public bids were received for the tennis courts and the Township will be receiving \$75,000 in grant money, which will be awarded after completion of the work.

No one having come forward to be heard, it was moved by Councilmember Vantuno, seconded by Councilmember Post, that the public hearing on Ordinance No. 1139, be and it was closed.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana  
Nays: None

The Council President declared the motion passed.

In response to Councilmember VANTUNO, Mrs. Bergin explained that the Township would be reimbursed after the completion of the tennis courts.

It was moved by Councilmember Post, seconded by Councilmember Gonzalez, that the Ordinance No. 1139 be and it was adopted.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana  
Nays: None

The Council President declared the motion passed.

Ordinance No. 1140 – It was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that there be introduced and the meeting of November 14, 2011 set as the date and time for the public hearing on the following:

ORDINANCE NO. 1140  
AN ORDINANCE TO REPEAL ORDINANCE NO. 1122, CONCERNING  
THE REGULATIONS FOR PLACEMENT AND OPERATION OF  
DONATION BINS WITHIN THE TOWNSHIP OF LITTLE FALLS

## Meeting of October 24, 2011

WHEREAS, the Township Council previously adopted Ordinance No. 1122 on May 9, 2011, concerning the regulations for placement and operation of charitable donation bins within the Township of Little Falls; and

WHEREAS, the version of Ordinance No. 1122 that was published and adopted by the Township Council inadvertently contained certain blanks and/or clerical errors;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Little Falls, in the County of Passaic and State of New Jersey, as follows:

**Section 1.** Ordinance No. 1122, which was adopted by the Township Council on May 9, 2011, be and the same is hereby repealed.

**Section 2.** Severability.

If any provision or portion of a provision of this Ordinance is held by any Court of competent jurisdiction to be unconstitutional, preempted by Federal or State Law, or otherwise invalid, the remaining provisions of the Ordinance shall remain in full force and effect and shall not be invalidated.

**Section 3.** Effective Date.

This Ordinance shall become effective thirty (30) days after final passage and publication as required by law.

**Section 4.** Repeal of Inconsistent Ordinances.

All Ordinances and parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

\*\*\*\*\*

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana  
Nays: None

The Council President declared the motion passed.

Mr. Wilk referred to Ordinance Nos. 1140 and 1141, and explained that an ordinance was passed earlier in the year which was missing some information. Ordinance No. 1140 is to repeal that ordinance and Ordinance No. 1141 is a new version of the ordinance, which includes all of the correct information.

**Ordinance No. 1141** – It was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that there be introduced and the meeting of November 14, 2011 set as the date and time for the public hearing on the following:

**ORDINANCE NO. 1141**  
**AN ORDINANCE ESTABLISHING CHAPTER 29,**  
**A CHARITABLE DONATION BINS, OF THE GENERAL**  
**ORDINANCES OF THE TOWNSHIP OF LITTLE FALLS,**  
**IN ORDER TO REGULATE THE PLACEMENT AND OPERATION OF**  
**DONATION BINS WITHIN THE TOWNSHIP OF LITTLE FALLS**

**WHEREAS**, the Mayor and Council of the Township of Little Falls are desirous of adopting an Ordinance to regulate the placement and operation of charitable donation bins within the Township of Little Falls; and

**WHEREAS**, the New Jersey Legislature has adopted N.J.S.A. 40:48-2.60 et. seq., in order to regulate charitable donation bins; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2.60 et. seq., any persons desiring to place and/or operate charitable donation bins within the Township of Little Falls must provide certain information to the Township and otherwise comply with State Law;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Township of Little Falls, in the County of Passaic and State of New Jersey, as follows:

**Section 1.** The Code of the Township of Little Falls is hereby amended and supplemented by adding a new Chapter 29, entitled ACharitable Donation Bins@, as follows :

**CHAPTER 29**  
**Charitable Donation Bins**

- ' 29-1 Purpose.
- ' 29-2 Definitions.
- ' 29-3 Permit required.
- ' 29-4 Application for permit; Fee.
- ' 29-5 Regulations.
- ' 29-6 Duty to maintain and service charitable donation bins.
- ' 29-7 Enforcement.
- ' 29-8 Receipt, investigation of complaints relative to clothing bin.
- ' 29-9 Additional penalties; remedies

' 29-1 Purpose.

Pursuant to N.J.S.A. 40:48-2.60 through N.J.S.A. 40:48-2.64, the purpose of this Chapter is to provide a uniform set of procedures for administering the placement and maintenance of clothing bins within the Township of Little Falls (hereinafter referred to as ATownship@), as well as providing for a uniform set of procedures for administering the issuance and revocation of all permits issued by the Township for the placement of clothing bins, consistent with the laws of the State of New Jersey.

' 29-2 Definitions.

For purpose of this Chapter, the following terms shall be defined as follows:

CHARITABLE DONATION BIN - Any enclosed receptacle, container or other depository made of metal, steel, or a similar product, and designed or intended for the donation and the temporary storage of clothing or other materials.

SOLICITATION or SOLICIT - The request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind of value. Solicitation shall include, but not be limited to, the use of employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value. A solicitation shall take place whether or not the person making the solicitation receives any contribution.

BONA FIDE OFFICE - Location at which a representative of the person or entity can be reached at a telephone information line during normal business hours for the purpose of offering information concerning the person or entity. An answering machine or service unrelated to the person or entity does not constitute a bona fide office.

' 29-3 Permit required.

A. Notwithstanding any other provision of law to the contrary, no person shall place, use or employ a clothing bin for solicitation purposes, within the Township, without first obtaining a permit valid for a period of one (1) year, from the Township Clerk, as hereinafter provided. The annual period for each permit shall commence on January 1<sup>st</sup> and conclude on December 31<sup>st</sup> of each year.

B. The Township will only issue permits for twelve (12) charitable donation bins per year. The Township shall create a Await list@ for all of the applicants. The permits for the receptacles will be issued on a first come first serve basis, with each company receiving a permit for a maximum of two (2) bins.

' 29-4 Applications for permit; Fee.

A. Application for a permit to place and/or maintain a clothing bin shall be made, in writing, to the Township Clerk, prior to placing and/or maintaining the clothing bin.

B. The application shall contain the following information:

- a. Name, address, bona fide office and telephone number of the person, firm, corporation, club or charitable organization, institution or association placing and/or maintaining such clothing bin;

## Meeting of October 24, 2011

- b. Name and address of the owner of the premises on which the clothing bin is to be located and the written consent of the owner, if the applicant is other than the owner;
  - c. Name, address, bona fide office and telephone number of any entity which may share or profit from any clothing or other donations collected via the bin;
  - d. The location where the clothing bin would be situated, described as precisely as possible;
  - e. A description of the proposed clothing bin, including dimensions;
  - f. The manner in which the person, firm, corporation, club or charitable organization, institution or association anticipates any clothing or other donations collected via the charitable donation bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent; and
  - g. The schedule of pick-ups removing the articles from the clothing bins, which can be no less than once per week, and the name and telephone number of the person to be notified if the clothing bin is overflowing prior to the scheduled date of pick up; and
  - h. Liability Insurance Certificate in an amount not less than five hundred thousand dollars (\$500,000.00) per incident.
- C. The fee for such application for the permit to place and/or maintain a clothing bin shall be twenty-five dollars (\$25.00).
- D. An expiring clothing bin permit may be renewed, upon application to the Township Clerk for renewal, which application shall include the following information and payment of a twenty-five dollar (\$25.00) permit renewal application fee;
- a. Name, address, bona fide office and telephone number of the person, firm, corporation, club or charitable organization, institution or association placing and/or maintaining such clothing bin;
  - b. Name and address of the owner of the premises on which the clothing bin is to be located, and the written consent of the owner if the applicant is other than the owner, and, if the applicant intends to move the charitable donation bin to a new location upon renewal, the name and address of the owner of the premises on which the clothing bin is to be located and the written consent of the owner if the applicant is other than the owner;
  - c. Name, address, bona fide office and telephone number of any entity which shared or profited from any clothing or other donations collected via the bin and of any entities which may do so during the period covered by the renewal;
  - d. The location where the clothing bin would be situated, as precisely and possible, and, if the applicant intends to move it, the new location where the clothing bin would be situated, as precisely as possible;
  - e. A description of the proposed clothing bin, including dimensions;
  - f. The manner in which the person, firm, corporation, club or charitable organization, institution or association has used, sold or dispersed any clothing or other donations collected via the clothing bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person, firm, corporation, club or charitable organization, institution or association anticipates it may make in these processes during the period covered by the renewal; and
  - g. The schedule of pick-ups removing the articles from the charitable donation bins, which can be no less than once per week, and the name and telephone number of the person to be notified if the clothing bin is overflowing prior to the scheduled date of pick up.
  - h. Liability Insurance Certificate in an amount not less than five hundred thousand dollars (\$500,000.00) per incident.

### ' 29-5 Regulations.

- A. The following information shall be clearly and conspicuously displayed on the exterior of each charitable donation bin :
- 1. The permit number and date of expiration;
  - 2. The name and address of the registered person, firm, corporation, club or charitable organization, institution or association that owns the charitable donation bin, and any other entity which may share or profit from any clothing or other donations collected via the bin;
  - 3. The telephone number of the person, firm, corporation, club or charitable organization, institution or association= bona fide office and, if applicable, the telephone number of any other entity which may share or profit from any clothing or other donations collected via the bin;
  - 4. In cases when an entity other than the person who owns the clothing bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person, firm, corporation, club or charitable organization, institution or association who owns the bin, and identifying all such entities which may share or profit from such donations; and
  - 5. A statement indicating the manner in which the person, firm, corporation, club or charitable organization, institution or association anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.
- B. An application for a permit to place and/or maintain a charitable donation bin shall not be granted and/or may be revoked if the Township=s Building Official (in consultation with the police division and any other department or division) determines that the placement of the bin constitutes a health or safety hazard. Such hazards shall include, but are not limited to, the placement of a clothing bin in parking spaces, in any area that interferes with pedestrian or vehicular traffic, landscaping, required setbacks, or within one hundred (100) yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases, or is likely to or does attract vermin or litter.
- C. Charitable donation bins may not be placed upon residential properties.
- D. Each charitable donation bin shall be considered an accessory to any existing non-residential use, and shall not be located within one hundred (100) feet of any residential area, except if located upon Township property.
- E. Charitable donation bins are not to be placed in any front yards, and a minimum set back of ten (10) feet from property lines shall be required.
- F. Charitable donation bins may not be placed in any required driveways or upon any unimproved lots within the Township.
- G. Charitable donation bins may be placed within a parking area, provided that the Municipal Engineer determines that the space or spaces dedicated to the bins are underutilized.
- H. A maximum of two (2) charitable donation bins may be placed and maintained at any specific property within the Township, with the exception of the DPW transfer station, which may have a maximum of four (4) charitable donation bins located thereon.

### ' 29-6 Duty to maintain and service charitable donation bins.

It shall be the obligation and duty of the person, firm, corporation, club or charitable organization, institution or association placing, using, employing or owning a charitable donation bin to properly maintain and service each such bin placed within the Township, so as to prevent the creation and/or maintenance of any nuisance, hazardous or unsafe condition.

### ' 29-7 Enforcement.

This Chapter shall be enforced by the Building Division (in consultation with the Police Division or any other division). All charitable donation bins shall be subject to inspection by the Building Division or any duly authorized representative of the Township.

### ' 29-8 Receipt, investigation of complaints relative to charitable donation bins.

- A. The Building Division (in consultation with the Police Division or any other division) shall receive and investigate, within ten (10) days, any complaints from the public about a charitable donation bin.
- 1. Whenever it appears that a person, firm, corporation, club or charitable organization, institution or association has engaged in, or is engaging in any act, omission or practice which violates this Ordinance, the person, firm, corporation, club or charitable organization, institution or association who placed and/or maintains the clothing bin shall be issued a warning, stating that if the violation is not rectified or a hearing is not requested within forty-five (45) days, the bin will be seized or removed at the expense of the person, firm, corporation, club or charitable organization, institution or association who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of, in the sole discretion of the Township.
  - 2. In addition to any other means used to notify the person, firm, corporation, club or charitable organization, institution or association who placed the bin, such warning shall be affixed to the exterior of the bin itself.

## Meeting of October 24, 2011

- B. In the event that the person who placed the bin does not rectify the violation or request a hearing within forty-five (45) days of the posting of the warning, the Township may seize the bin, remove it, or have it removed at the expense of the person who placed the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be retained by the Township.

### 29-9 Additional penalties; remedies.

- A. In addition to any other penalties or remedies authorized by the laws of this State, any person, firm, corporation, club or charitable organization, institution or association violating any of the provisions of this Chapter and/or any provisions of P.L. 2007, C.209 (C40:48-2.60 et. seq.), which results in the seizure of the charitable donation bin, shall be :
1. Subject to a penalty of up to twenty thousand dollars (\$20,000.00) for each violation. The Building Division (in consultation with the Police Division or any other division) may bring this action in the Municipal Court, or in the Superior Court as a summary proceeding, under the "Penalty Enforcement Law of 1999", N.J.S.A. 2A:58-10 et. seq., and any penalty monies collected shall be paid to the Township; and
  2. Deemed ineligible to place and maintain a clothing bin pursuant to this Chapter. However, a person, firm, corporation, club or charitable organization, institution or association that has been disqualified from placing and/or maintaining a charitable donation bin in the Township, due to a violation of the provisions of this Chapter, may apply to the Township to have their eligibility restored. The Township may restore eligibility of any person, firm, corporation, club or charitable organization, institution or association who :
    - a. Acts within the public interest; and
    - b. Demonstrates a good faith effort to comply with the provisions of this Chapter and all other applicable laws and regulations, or had no fraudulent intentions.
- B. In addition to any other penalties or remedies authorized by the laws of this State and/or under this Chapter, any person, firm, corporation, club or charitable organization, institution or association that violates any provision hereof, and which results in a threat to public health or safety, shall be subject to all other penalties and remedies provided by the laws governing and conferring the Township police powers.

### Section 2. Severability.

If any provision or portion of a provision of this Ordinance is held by any Court of competent jurisdiction to be unconstitutional, preempted by Federal or State law, or otherwise invalid, the remaining provisions of the Ordinance shall remain in full force and effect and shall not be invalidated.

### Section 3. Effective Date.

This Ordinance shall become effective twenty (20) days after final passage and publication as required by law.

### Section 4. Repeal of Inconsistent Ordinances.

All Ordinances and parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

\*\*\*\*\*

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana  
Nays: None

The Council President declared the motion passed.

Mr. Trapanese said the Police Department reviewed the ordinance and they will have to amend it. It is not a substantial amendment. They only wish to be involved in the site plan review of the charitable bin donations. He will amend this accordingly, but he wanted this on the record tonight.

Ordinance No. 1142 – It was moved by Councilmember Gonzalez, seconded by Councilmember Post, that there be introduced and the meeting of November 14, 2011 set as the date and time for the public hearing on the following:

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana  
Nays: None

The Council President declared the motion passed.

Mr. Trapanese said in front of previous council members, they asked for an ordinance for overnight parking and he revised it. There was some difficulty in enforcement of the ordinance so it had to be amended. He made the corrections and presented it to the necessary parties. They needed to make it compliant. This is the final version for first reading.

Agreement with NJDEP Green Acres Program for Acquisition of Flood Prone Properties – It was moved by Councilmember Post, seconded by Councilmember Gonzalez, that the Council approve the following:

**RESOLUTION [J] 11-10-24 - #10**  
**STATE OF NEW JERSEY**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**GREEN ACRES ENABLING RESOLUTION**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides grants to municipal and county governments for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Little Falls desires to further the public interest by obtaining funding in the amount of \$ 6,000,000.00 from the State to fund the following project(s): Little Falls Flood-Prone Property Acquisition at an estimated cost of \$20,000,000,

NOW, THEREFORE, the governing body/board resolves that Michael DeFrancisci or the successor to the office of Mayor (title of authorized official) is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Little Falls Township Council

1. That the Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Little Falls Flood-Prone Property Acquisition
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$0;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

\*\*\*\*\*

**Meeting of October 24, 2011**

Mrs. Bergin said Little Falls is one of the communities eligible for this project. In order to be able to acquire these properties, the Township must acquire additional funding. She gave further background information on this resolution and asked for the Council’s support of same, noting that this is absolutely essential.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana  
Nays: None

The Council President declared the motion passed.

Contract with MSU re Ward Trucking Site – It was moved by Councilmember Gonzalez, seconded by Councilmember Post, that the Council approve the following:

RESOLUTION [K] 11-10-24 - #11

RESOLUTION OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT/MEMORANDUM OF UNDERSTANDING WITH MONTCLAIR STATE UNIVERSITY THROUGH THE YEAR 2016

WHEREAS, Montclair State University has recently acquired Title to Property known as 35 Clove Road, Little Falls, New Jersey (Lots 38.02 and 43 in Block 237), commonly known as Ward Trucking Company location; and

WHEREAS, the University is a public higher education institution under the laws of the State of New Jersey as an instrumentality of the State and, as such, the Property is exempt from taxation pursuant to N.J.S.A. 54:4-3.3 and 3.6; and

WHEREAS, the University intends to file an application to declare the Property tax exempt and this Memorandum of Understanding is intended to govern the payment of taxes pending a final decision upon such application; and

WHEREAS, the Property has generated income to the Township in the form of property taxes and the University wishes to voluntarily mitigate the impact caused to the Township and its residents by this statutorily-provided loss in revenue; and

WHEREAS, the Mayor, Michael DeFrancisci, has had negotiations and discussions with Montclair State University to impress upon Montclair State University the serious impact that the loss of tax revenue would impose upon the citizens of the Township of Little Falls; and

WHEREAS, the Township and the University wish to enter into this Memorandum of Understanding as a means of both avoiding the immediate loss of all such income to the Township and identifying the obligations of the parties until the application for tax exemption to be filed by the University is finally determined;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor, Michael DeFrancisci, be and is hereby authorized to enter into a Memorandum of Understanding/Agreement with Montclair State University in the form as approved by the Township Attorney producing the revenue as set forth therein to the Township of Little Falls.

\*\*\*\*\*

Mayor DeFrancisci said this will be an additional \$882,000 for the town.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana  
Nays: None

The Council President declared the motion passed.

Contract with Key-Tech for Pavement Core Samples – Viewmont Terrace/Brookhill Place Project – It was moved by Councilmember Vantuno, seconded by Councilmember Post, that the Council approve the following:

RESOLUTION [L] 11-10-24 - #12

WHEREAS, the New Jersey Department of Transportation requires that an analysis of pavement core samples be done prior to processing the reimbursement of the grant allocation made to the Township in connection with the Improvement to Viewmont Terrace and Brookhill Place, Lindsley Road to Township line project; and

WHEREAS, proposals were sought and received as follows:

Key-Tech 210 Maple Place P.O. Box 48 Keyport, N.J. 07735 \$2,650.00	\$3,375.00	SOR Testing Laboratories, Inc. 98 Sand Park Road Cedar Grove, N.J. 07009
---	------------	--

Vertical V – Northeast, Inc.  
903 East Hazelwood Avenue  
Rahway, N.J. 07065  
\$3,350.00

and; WHEREAS, the Township Engineer has reviewed the proposals and on the basis of the low bid has recommended the proposal of Key-Tech be accepted; and

WHEREAS, the Treasurer has provided in advance of the award of contract a Certification of the Availability of Funds (copy of which is appended to the original of the within Resolution) pursuant to Rule 5:30-1.10 of the Local Finance Board, and the appropriation to be charged for this expenditure is: Bond Ordinance No. 1098/1127;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Little Falls that the proposal of

Key-Tech  
210 Maple Place  
P.O. Box 48  
Keyport, N.J. 07735

in the amount of

\$2,650.00

be and it is hereby accepted.

\*\*\*\*\*

Mr. Lindsay provided a brief explanation of this resolution.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana  
Nays: None

The Council President declared the motion passed.

Agreement with USGovBid Auction Liquidation Services for Online Auction Services – It was moved by Councilmember Sisco, seconded by Councilmember Post, that the Council approve the following:

RESOLUTION [M] 11-10-24 - #13

RESOLUTION AUTHORIZING SALE OF SURPLUS VEHICLES AND EQUIPMENT

WHEREAS, the Township of Little Falls Police Department is in possession of vehicles that are determined to be surplus, and recommends that same be sold at public auction; and

WHEREAS, the State of New Jersey Department of Community Affairs has authorized municipalities to utilize certain online auctions services to dispose of surplus vehicles and equipment; and

## Meeting of October 24, 2011

WHEREAS, Local Public Contracts Law N.J.S.A. 40A:11-36 requires authorization of a sale of surplus property via adoption of a resolution; and WHEREAS, US GovBid Auction Liquidation Services of 1 Industrial Way West, Building A, Eatontown, NJ 07724 is one of the state approved vendors; and

WHEREAS, the attached list of vehicles and other items of sale will be published in the official Township newspaper in accordance with law.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Little Falls declares the attached list of vehicles and other items to be surplus and authorizes the Mayor to sign an agreement with US GovBid Auction Liquidation Services to sell the items via an online auction process.

\*\*\*\*\*

Councilmember POST questioned this resolution, noting that there is various computer and office equipment also listed. Mr. Underhill said the hard drive of the computer equipment would be erased, adding that in the past, towns who had surplus materials had a public auction. The state has authorized the use of this online auction service over the past couple of years. The company lists the materials and collects the money; they send the Township a check after taking their commission of 4.5%.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana  
Nays: None

The Council President declared the motion passed.

Appointing Rehabco, Inc. as the COAH Housing Rehabilitation Program Administrative Officer – It was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that the Council approve the following:

### RESOLUTION [N] 11-10-24 - #14

WHEREAS, the Township of Little Falls is desirous of obtaining the services of an Administrative Officer for Council on Affordable Housing (COAH) individual housing rehabilitation projects; and,

WHEREAS, the Township solicited RFP's from interested vendors on September 2, 2011; and,

WHEREAS, Rehabco, Inc., Mantoloking Road, Brick, NJ submitted a qualified response; and,

WHEREAS, Rehabco's RFP has been reviewed by the Township Planner and found to be acceptable,

NOW, THEREFORE, BE IT RESOLVED, the Township of Little Falls does hereby award a contract to Rehabco, Inc. in the amount of \$41,250.00 to serve as the Township's Administrative Officer for COAH rehabilitation projects.

\*\*\*\*\*

Mr. Trapanese provided a brief explanation of this ordinance and explained that this is a requirement by COAH and the Department of Community Affairs.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana  
Nays: None

The Council President declared the motion passed.

Authorizing Change Order in the Viewmont Terrace/Brookhill Place Project Contract with Crossroad Construction – It was moved by Councilmember Vantuno, seconded by Councilmember Post, that the Council approve the following:

### RESOLUTION [O] 11-10-24 - #15

WHEREAS, a contract was awarded to Crossroad Construction, Newark, NJ for Improvements to Viewmont Terrace and Brookhill Place in the amount of \$271,419.00; and

WHEREAS, it was determined that there are the following required changes in the contract:

- Adjustment for as-built Quantities

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls that a Change Order in the amount of \$24,932.25 be approved making the total amount of the contract \$296,351.25.

\*\*\*\*\*

Mr. Lindsay explained that this was an improvement project, noting that the Township will receive \$200,000 from NJDOT. After they designed the job and put out the bid, they had already whether Cedar Grove wished to be a participant, since a portion of Viewmont is in Cedar Grove. They agreed to be a part of it later in the project, so they extended the road into Cedar Grove. The Township will be reimbursed for that. Almost all of this additional is because of that extension. Cedar Grove's charge for construction work will be just over \$20,000 and the increase in the resolution is \$24,000. The other additional portion is the transition into the driveways and the grading that had to be done. They redesigned the road to bring it back into the right-of-way; the road is much better now. In response to Councilmember SISCO, Mr. Lindsay informed that it is guaranteed that Cedar Grove will pay the Township back.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana  
Nays: None

The Council President declared the motion passed.

Mr. Wilk said there was another item that came to him late today that didn't make it on the agenda. Dennis has the bids with him and would like to authorize an award They received quotes – 3 quotes. They investigated the recommendations and those individuals from other municipalities did recommend them. This should be reviewed by the attorney and he sent this over to the attorney's office this afternoon. He recommended that they make the award this evening. 20% less than the original estimate. Mayor said they are looking for some other funders. Dennis agreed and said Joanne has been working on this.

Awarding Contract to SCS Contracting for Tennis Court Reconstruction – It was moved by Councilmember Gonzalez, seconded by Councilmember Post, that the Council approve the following:

### RESOLUTION [P] 11-10-24 - #16

#### AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR IMPROVEMENTS TO DUVA PARK – TENNIS COURT RECONSTRUCTION

WHEREAS, on September 13, 2011, the Township of Little Falls received bids for the reconstruction of the tennis courts at Duva Park as follows:

SCS Contracting, Inc.  
Ramsey, NJ  
Bid: \$104,655.00

DiMilia, Inc.  
Upper Montclair, NJ  
Bid: \$114,615.00

All Surface Asphalt Paving  
Point Pleasant, NJ  
Bid: \$119,840.00

## Meeting of October 24, 2011

WHEREAS, the Treasurer has provided a Certification of the Availability of Funds (a copy of which is appended to the original of the with Resolution) pursuant to Rule 5:30-1.10 of the Local Finance Board, and the appropriation to be charged for this expenditure is Bond Ordinance No. 1139; and

WHEREAS, the Township Engineer has reviewed the proposals for technical sufficiency and recommends that a contract be awarded to SCS Contracting, Inc.; and

WHEREAS, the award is subject to legal review by the Township Attorney and funding; and

WHEREAS, the award is also subject to the 20-day estoppel period for Bond Ordinance No. 1139;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Little Falls as follows:

1) That the proposal of

SCS Contracting, Inc.  
Ramsey, NJ

in the amount of

\$104,655.00

be and the same is hereby accepted; and

2) That the Mayor and Clerk be and they are hereby authorized to execute a contract in a form prepared and approved by the Township Attorney for the purchase of the within designated services subject to the successful contractor's filing the required New Jersey Employee Information Report (Form AA302) or providing a Certificate of Employee Information to the Township.

\*\*\*\*\*

Mr. Wilk explained that this approval would be subject to attorney review and the 20 day estoppel period on Ordinance No. Mr. Lindsay said it would also be subject to the funding.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana  
Nays: None

The Council President declared the motion passed.

### PUBLIC PORTION

It was moved by Councilmember Post, seconded by Councilmember Sisco, that the meeting be and it was opened to the public.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana  
Nays: None

The Council President declared the motion passed.

Louis Fernandez, 54 Harrison Street, asked if the Fire Chief was a paid employee and Councilmember GONZALEZ said he is not. Mr. Fernandez asked if his position was full-time, noting that he expects others to be full-time when he is not. He said that during the day, half of the EMS people will be paid. He asked if the volunteers will be backing up the paid workers. Mr. Fernandez voiced his opinion that the Council members are gutless, adding that they should be voting with their conscious. They were elected to do so, but it seems as though they are voting down the party lines. He said there are only a couple of Council members who ask questions and do some research. He voiced his understanding that all of the Mayor's requests are approved and we are not getting anywhere. He explained that the residents of Little Falls want their leaders to be accountable and represent the people.

Mike Corbersero, 2 Louis Street, was surprised that the public hearing of Ordinance No. 1135 was on the agenda this evening, noting that the public wasn't asked about this. He recommended that the Council change the protocol in the future for important matters.

Raymond Klepar, 8 Douglas Drive, explained that part of the problem is that people are voting on things without having a full understanding of it. He explained that it is sometimes frustrating when the point of a question he asked is missed and it is not answered properly after the public portion has been closed. He asked President Fontana whether he checks his mail regularly, noting that he had delivered a document to the Council members today which included some very good questions and points pertaining to Ordinance No. 1135. He explained that there should always be something on the record to record such a vote or a change that is made in town so you can always go back to look and see why.

Arnold Korotkin, Long Hill Road, referred to the Best Practices list and said there were several items that the Township hadn't fulfilled in the past. He was pleased to hear that there will be a meeting with the Boards of Education. He has been told that it is voluntary for the Township to comply with this list. There was a specific question that referred to a policy for employees with Township vehicles. He voiced his opinion that this should be a mandatory compliance item.

Robert Ingram, Eagle Hose Co. #1, wished to clarify a couple of points for the record regarding Chief Sweezy's comments. He agreed that there was a meeting on 9/18/11 with the membership regarding several items. He did referenced a 9/19/11, which they did intend to have; however, there was not enough membership for a quorum. They had no more answers to give the Chief at that time. He did reference a request for copies of the meeting minutes from June; he had provided a response that he does not have the power to provide the Minutes and informed that it was schedule for a vote of the membership at the next Regular meeting. Regarding Medicare and Medicaid, he informed that he has transferred to many other hospitals besides St. Joe's and Montclair in the past three months. The question of reimbursements for these transfers will come up. For the record, he wished to state that Eagle Rescue Squad obtained this report and this proposal through an OPRA request after multiple requests from the Chief. He has an issue with this; they are supposed to work together. Referring to response time, he agreed that there is an issue with response time. They're average response time is 5.6 minutes to respond to calls; daytime response time is 6.1 minutes. They are currently three minutes ahead of the national average and the standards set by the federal government of what they should be aiming for. The references to the NJ State Training Fund regarding recertification, he agreed that the State has made a number of cuts; however, the State is still providing the required 24 credits to volunteer EMTs; not paid. He informed that other townships with a paid service are experiencing problems. In the last 16 months, the company has had 14 applicants for membership and only five were approved; membership is a problem. They currently have a member who has been waiting to get on a meeting for two months who is a Clifton resident and Fire Dispatcher and wants to come help. At this point, they are unaware of where this service is going to run from; they don't know where the second ambulance is coming from. The Council should know that the use of Company No. 1 for this purpose must be voted upon by the membership and could be denied. If denied, this would require the purchase of a second ambulance. There was a reference to membership being outside of the area and responding with blue lights; he pointed out that this Council approved a blue light permit this year for a Fire Department member who lives in Highland Lakes.

## Meeting of October 24, 2011

Tammy Hearney, Eagle Hose Co. #1, said the Council made a mistake this evening. She said there will be volunteer members who will now be paid an extra income. She pointed out that if they were available during the day before, they should be helping as a volunteer status. She explained that Company #1 is not losing members, adding that only one member was lost due to his work schedule. Referring to the out of town requirement, she informed that there are members who live outside of the surrounding towns. She also pointed out that there is no residency requirement for auxiliary members. None of the company's suggestions to the Chief were ever considered.

Maria Rizzo, said she is not quite clear on how this paid service will work. However, it seems to be a dispute between the parties. She pointed out that the problem they need to address is that they cannot have an ambulance responding to an emergency in 17 minutes. They are not here to worry about where to take the patient. They need to have an ambulance that is close by that will get the patient to the hospital the quickest way possible.

John Truland, Eagle Hose Co. #1, explained that one paid ambulance during the day will not necessarily improve the response time during the day; being paid or volunteer does not guarantee anything. He explained that if there are two emergencies at once, someone will wait; there is no way to fix that.

Rosemary Bello-Truland, High Court, informed that she was here to speak about the parking ordinance tonight. However, she is wondering why such a great number of volunteers have come to a Monday night meeting to debate a paid service, when it is being suggested that they would be the ones being paid. She said the Council should consider having meetings with the volunteers, noting that they cannot afford to alienate all of the people who volunteer.

Mr. Trapanese informed that there were difficulties with the enforcement of the past ordinance. Mrs. Truland said she understands that this will do away with the exemption for the first responders; she thinks this should be reconsidered. It will keep responders from being able to respond at night. Mr. Trapanese said it was never the intention of the Council to do that. Mrs. Truland said she would be back for the second hearing.

No one further having come forward to be heard, it was moved by Councilmember Gonzalez, seconded by Councilmember Sisco, that the meeting be and it was closed to the public.

Poll:           Ayes:           Gonzalez, Post, Sisco, Vantuno and President Fontana  
                  Nays:           None

The Council President declared the motion passed.

Council President FONTANA pointed out that the volunteers have day jobs and therefore, cannot always make it in time for a call. With a paid service, there will be someone to respond at all times.

Councilmember VANTUNO informed that the Council members do their due diligence; they have packets, emails, concerned citizens, meetings and research that they do behind the scenes. The questions raised at meetings are in addition to everything else. Councilmember POST added that there is a lot the residents don't see. She informed that the Council is not allowed to speak to employees without permission under the Faulkner Act. She further noted that the Council members all do research before voting on something. Regarding a paid ambulance service, she said it is unacceptable for people to lose their lives because of the response time of an ambulance.

Mayor DeFrancisci said he has no agenda, and pointed out that he didn't say anything tonight, because he wanted to see how it would go. He explained that he and Councilmember Gonzalez disagree a lot, but they respect one another. He said he respects everyone's opinions, but these response times are unacceptable. Other towns are requesting volunteer assistance during the daytime hours as well. He wants to make sure an ambulance is showing up to someone's home when they need help. He disagreed that the Council members are gutless and pointed out that the Township has done so much for the flood residents compared to other towns in the area. Councilmember GONZALEZ agreed that they all work very hard with regard to the flooding issues.

Mayor DeFrancisci referred to Ordinance No. 1135 and informed that Mr. Delaney's situation was a lengthy process where they had to review several issues; he was allowed to come back as an auxiliary member. He is sorry it came to this, but said it is about trying to provide an ambulance service to the Township of Little Falls.

Council President FONTANA said he understands Mr. Corbiesero's remarks, but said he thought it would be more appropriate to have the Fire Chief answer questions tonight.

President FONTANA said the Township is currently working on shared services and other items for the Best Practices list. Mr. Underhill pointed out that the Township does have a written policy that limits the use of Township vehicles. He informed that the Police Chief, Fire Chief and DPW Superintendent are the only employees with vehicles, since they are on call around the clock.

President FONTANA asked why it was an issue for Company No. 1 to have to submit an OPRA request for the ambulance information. Chief Sweezy said the company has been well informed and have had copies of what they have been proposing.

President FONTANA said there is no way to know if the response time will be faster until they have the paid service. He hopes it does not come across that they are not grateful for the volunteers. Councilmember GONZALEZ said she was shocked that this was voted on this evening; she thought they were going to discuss it further before taking a vote.

Council President FONTANA addressed Mrs. Truland, who pointed out that the parking ordinance is not specific regarding time of day. Mayor DeFrancisci said this would be changed. Mr. Trapanese said it is not necessary for the ordinance to specify this, but said they could change it.

Councilmember POST reminded that the Township was doing a six-month trial for recycling collection. She asked to have a report on this by the next meeting.

## PAYMENT OF BILLS

## Meeting of October 24, 2011

It was moved by Councilmember Post, seconded by Councilmember Gonzalez, that the Council approve the following:

### RESOLUTION [BL]

BE IT RESOLVED by the Township Council of the Township of Little Falls the Council having received the Treasurer's certification of the availability of funds for payment of all bills presented, that payment of all bills approved by the Finance Committee be and is hereby authorized, subject to the availability of funds and subject to the appropriate and available appropriation in the line item.

\*\*\*\*\*

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana  
Nays: None

The Council President declared the motion passed.

### EXECUTIVE SESSION

Mr. Trapanese referred to the property maintenance issues they are having in the Township with the residents. He advised that this must be discussed during Executive Session and then introduce the ordinance.

Councilmember GONZALEZ asked Mr. Trapanese for a written statement of why the Council was denied an Executive Meeting with the Council and Mr. Ingram. Mr. Trapanese said he supplied this to the Council this afternoon via email. He explained that he reviewed the request; however, under the law, there are nine reasons why you may enter into an Executive Session; this did not fit under any of the categories that would allow it.

It was moved by Councilmember Gonzalez, seconded by Councilmember Post, that the Council approve the following:

### RESOLUTION [EX]

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into executive session during a Public Meeting; and

WHEREAS, the Governing Body of the Township of Little Falls has deemed it necessary to go into executive session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Little Falls will go into executive session for the following reason(s) as outlined in N.J.S.A 10:4-12: One matter of Attorney/Client Privilege Relating to Updating of the Township Property Maintenance Code.

\*\*\*\*\*

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana  
Nays: None

The Council President declared the motion passed.

The Council entered Executive Session at 10:30 p.m.

At 10:50 p.m., the Council returned and it was moved by Councilmember Gonzalez, seconded by Councilmember Sisco, that the meeting return to Open Session.

Ordinance No. 1143 – It was moved by Councilmember Sisco, seconded by Councilmember Post, that there be introduced and the meeting of November 14, 2011 set as the date and time for the public hearing on the following:

### ORDINANCE OF TOWNSHIP OF LITTLE FALLS

#### ORDINANCE NO. 1143

**AN ORDINANCE ADOPTING THE 2009 EDITION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE*, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR HUMAN OCCUPANCY AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE TOWNSHIP OF LITTLE FALLS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING AND REPLACING CHAPTER 163 OF THE ORDINANCES OF THE TOWNSHIP OF LITTLE FALLS AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.**

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council for the Township of Little Falls, in the County of Passaic and State of New Jersey, as follows:

#### **Section 163-1. Adoption of standards by reference.**

A certain document, three (3) copies of which are on file in the office of the Township Clerk of the Township of Little Falls, being marked and designated as the *International Property Maintenance Code*, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Township of Little Falls, in the State of New Jersey, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Township Clerk of the Township of Little Falls are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in section 2 of this ordinance.

#### **Section 163-2. Amendments**

The following sections are hereby revised:

Section 101.1. Insert: the Township of Little Falls.

Section 103.5. Insert: Chapter 71, Fees.

Section 111.2. Insert "Membership of Board. The members of the Little Falls Township governing body shall constitute the Board of Appeals."

Section 112.4. Insert: Pursuant to the penalties and fines set forth in Chapter 1, Section 1-3 of the Ordinances of the Township of Little Falls.

Section 302.4. Insert: Eight (8) inches.

Section 304.14. Insert: April 1 to October 1.

Section 602.3. Insert: October 1 to May 1.

Section 602.4. Insert: October 1 to May 1.

#### **Section 163-3. Severability.**

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such a decision shall not affect the validity of the remaining portions of this ordinance. The Township of Little Falls hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

#### **Section 163-4. Effect on pending suits and existing actions.**

**Meeting of October 24, 2011**

That nothing in this Chapter 163 or in the International Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 163-5. Violations and penalties.**

Any person violating the provisions of this article shall, upon conviction, be liable to the penalty stated in Chapter 1, General Provisions, Article 1, Section 1-3.

\*\*\*\*\*

Poll:           Ayes:           Gonzalez, Post, Sisco, Vantuno and President Fontana  
                  Nays:           None

The Council President declared the motion passed.

There being no further business to come before the meeting, it was moved by Councilmember Vantuno, seconded by Councilmember Sisco, that the meeting be and it was adjourned at 10:52 p.m.

---

William E. Wilk  
Municipal Clerk

---

Cynthia Meyer  
Deputy Municipal Clerk